

ESTTA Tracking number: **ESTTA672117**

Filing date: **05/13/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218468
Party	Defendant Ali Baba Holdings, LLC
Correspondence Address	MARK D LORUSSO LORUSSO & ASSOCIATES P O BOX 21915 PORTSMOUTH, NH 03801 UNITED STATES mlorusso@loriplaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Mark D. Lorusso
Filer's e-mail	mlorusso@loriplaw.com
Signature	/Mark D. Lorusso/
Date	05/13/2015
Attachments	ALB7000 Mot Ext Suspdn.pdf(827066 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Whole Foods Market IP, L.P.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91218468
	)	Serial No. 86/087,817
Ali Baba Holding, LLC	)	Mark: ALIBABA WHOLE-
	)	FOODS FESTIVAL
Applicant.	)	TREASURES
	)	

**ASSENTED-TO MOTION TO EXTEND SUSPENSION OF PROCEEDINGS FOR  
SETTLEMENT**

Pursuant to 37 C.F.R. § 2.117(c), Applicant, Ali Baba Holdings, LLC, by and through its undersigned counsel, respectfully requests/moves that the proceedings be suspended for an additional sixty (60) to permit the parties to continue and complete settlement discussions that have commenced. The grounds for this motion are as follows:

1. Applicant filed an Assented-to Motion to Suspend Proceedings for Settlement with consent on April 6, 2015. The Motion was granted by Order dated May 4, 2015. The Order established a new schedule with the Answer due date changed to June 6, 2015.
2. The May 4, 2015 Order was subsequently vacated by Order dated May 11, 2015. The May 11 Order deferred Applicant's Motion to Extend, filed December 9, 2014. The Motion remains pending.
3. Counsel for the parties are actively engaged in settlement discussions, but will require further time to complete the settlement negotiations. The requested suspension extension should not impact the previously set opposition schedule as there is a pending and joined unconsented Motion to Extend, the outcome of

which will be required to determine if the opposition schedule will be changed.

The suspension period is as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Extended Deadline</u>
Suspension Of Proceedings	May 6, 2015	July 6, 2015

4. The Opposer, through its counsel, Rebecca Younger, Esquire, has agreed to this request to extend the suspension of proceedings an additional sixty (60) days. and has assented to this motion, accordingly.

WHEREFORE, Ali Baba prays that the suspension of proceedings be extended sixty (60) days, as set forth above.

Respectfully submitted,

Ali Baba Holding, LLC,

By its attorneys,

Dated: May 13, 2015

/s/ Mark D. Lorusso  
Mark D. Lorusso  
Reg. No. 41,955  
LORUSSO & ASSOCIATES  
PO Box 21915  
Portsmouth, NH 03801  
(603) 427-0070

**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
ASSENTED-TO MOTION TO EXTEND SUSPENSION OF PROCEEDINGS has been served  
via email on the Opposer's counsel of record this 13<sup>th</sup> day of May, 2015:

Rebecca Younger, Esquire  
PIRKEY BARBER PLLC  
600 Congress Avenue, Suite 2120  
Austin, TX 78701

/s/ Mark D. Lorusso

Mark D. Lorusso